

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Amendments

In the specification, the title of the invention was amended to address the Examiner's objection to the title set forth in the Office Action mailed October 20, 2004. According to the Advisory Action mailed June 24, 2005, the amendment should overcome the objection.

Claims 43, 44, 48, 49, 51, 55, 56, 58-75, 80, 81, 84, 85, and 88-104 are requested to be cancelled, without prejudice or disclaimer. Claims 1-39, 42, 45, 50, 57, 76-79, 82, 83, 86, and 87 were previously cancelled in the Amendment filed on August 2, 2004.

Claims 40, 52, 53, 54, and 105-108 are currently being amended. Support for these amendments can be found throughout the specification as filed. No new matter is being added. Specifically, claims 40, 52, 107, and 108 have been amended to clearly state that the variant of (b) has "chemotactic activity," and an insertion or deletion of 1-5 amino acids as compared to SEQ ID NO:2, one amino acid substitution as compared to SEQ ID NO:2, or a combination of an insertion or deletion of 1-5 amino acids and one amino acid substitution as compared to SEQ ID NO:2. Claims 40, 52, 53, 54, 107, and 108 have been amended to delete the recitation of "fragments." Finally, claims 105 and 106 have been amended to recite that the amino acid sequence encoded by the polynucleotide "has chemotactic activity."

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 40-41, 46-47, 52-54, and 105-110 are now pending.

II. Summary of Examiner Interview

Applicants appreciate Examiner Marschel extending the courtesy of an interview to Applicants' representatives, Michele Simkin and Shaun Snader, on August 16, 2005. This amendment addresses the issues discussed in the interview.

A. New Matter Rejection

The new matter rejection of claims 40, 41, 46, 47, 52-54, and 105-110 was discussed. Applicants representatives noted that support for the recitation "has an insertion or deletion of 1-5 amino acids as compared with SEQ ID NO:2" can be found on page 7, 1st full paragraph of the application as-filed. In addition, Applicants noted that the application indicates that the variants with insertions or deletions have chemotactic activity. See paragraph bridging pages 6-7; page 5, 1st paragraph under Summary of the Invention; page 6, 1st paragraph under Definitions. Finally, Applicants have amended the claims to make clear that the variants have chemotactic activity by removing the recitation "and/or." Accordingly, Applicants respectfully request reconsideration and withdrawal of the new matter rejection.

B. Anticipation Rejection

The rejection of claims 40, 46, 47, 52, 53, and 107-110 as allegedly anticipated by Yoshimura *et al.*, FEBS Lett. 244(2):487 (1989), was discussed without acquiescing in the propriety of the rejection. Applicants have amended the claims to delete the recitation of "biologically active fragment[s]," "imunogenically active fragment[s]," and variants with "at least one substitution," as discussed during the interview. Accordingly, Applicants believe that the amendments obviate the rejection.

CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 19, 2005

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